

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 09/973,814

REMARKS

Claims 1-9 and 12-17 have been examined, and have been rejected under 35 U.S.C. § 112, second paragraph. Also, claims 10 and 11 are withdrawn as being directed to a non-elected species.

Preliminary Matters

In the Office Action Summary, the Examiner checked the drawings box (item #10). However, the Examiner did not indicate whether the drawings are accepted or objected to. Therefore, Applicant respectfully requests that the Examiner indicate whether the drawings are acceptable in the next Office Action.

The Examiner has objected to claim 17 under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of the previous claim. However, Applicant has rewritten claim 17 into independent form based on claim 1. In addition, Applicant has added new claim 18, which is claim 17 rewritten into independent form based on claim 12.

Accordingly, Applicant respectfully requests the Examiner to withdraw the objection.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-9 and 12-17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding claim 1, the Examiner maintains that the limitation, “which has a current injection window” is indefinite, since the injection window is not set forth in structural terms. Therefore, Applicant has amended claim 1 to recite that a current injection window is formed in a top surface of the ridge portion. Such amendment provides structure to the claimed window.

Further, regarding claim 12, the Examiner maintains that the limitation, “a current non-injection region is provided near at least one of said two opposite resonator end faces”, is indefinite, since the non-injection region is not set forth in structural terms. Therefore, Applicant has amended claim 12 to recite that the current non-injection region is provided near at least one of the two opposite resonator end faces of the second conduction type contact layer. Such an amendment provides more detail and structure as to where the current non-injection region is provided.

In light of the above, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 112, second paragraph.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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Date: December 10, 2003